

#6

\$DAC

PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 12873-04187
First Named Inventor: Joseph B. Richey, II	Art Unit: 2838	RECEIVED FEB 13 2004 OFFICE OF PETITIONS
Application Number: 10/068,391	Examiner: Unknown	
Filed: February 6, 2002		
Title: SYSTEM AND METHOD FOR DRIVING AN ELECTRIC VEHICLE		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9382.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee <input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity – fee \$ <u>110.00</u> (37 CFR 1.17(l)).		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>Response to Missing Parts Notice</u> (identify the type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee of \$ _____ <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

00000042 10056392

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Feb. 6, 2004
Date

Nenad Pejic
Signature

(216) 622-8835

Telephone Number

Nenad Pejic

Typed or printed name

37,415

Registration Number, if applicable

Calfee, Halter & Griswold, LLP

Address

800 Superior Avenue, Cleveland, Ohio 44114

Address

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

2.6.2004
Date

Leslie Ann Kuder
Signature

Leslie Ann Kuder

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Feb. 6, 2004

Date

Nenad Pejic

Signature

37,415

Registration Number, if applicable

Nenad Pejic

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)



CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Commissioner of Patents, Alexandria, Virginia 22313, on this 6th day of February, 2004.

Wendy Erick
Wendy Erick
LESLIE ANN KUDER

RECEIVED

FEB 13 2004

OFFICE OF PETITIONS

Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Joseph B. Richey, II	:
		:
Serial No.:	10/068,391	:
		:
Filed:	February 6, 2002	:
		:
For:	SYSTEM AND METHOD FOR DRIVING AN ELECTRIC VEHICLE	:
		:
Attorney Docket No.:	12873-04187	:

**STATEMENT OF FACTS REGARDING THE UNAVOIDABLE
ABANDONMENT UNDER 37 C.F.R. §1.137(a)**

Mail Stop Petition
Assistant Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Abandonment of the above-identified application for failure to timely respond to the Notice To File Missing Parts Of Non-Provisional Application dated March 4, 2002 was unavoidable. Below is a detailed statement of facts that outlines the history of this application and the unavoidable abandonment thereof. As such, Applicant submits that the entire delay in filing the Response to the Notice To File Missing Parts Of Non-Provisional Application from the due date of the Response, namely May 4, 2002, until the filing of the attached petition under 37 C.F.R. §1.137(a), was unavoidable.

The present application was filed February 6, 2002, and was assigned serial number 10/068,391. On May 21, 2002, an Information Disclosure Statement was filed and on October 4, 2002, a Supplemental Information Disclosure Statement was filed. Neither of these submissions appear on the file contents history section of the PAIR (Patent Application Information Retrieval) system as accessed through www.uspto.gov. Post cards having the OIPE (Office of Initial Preliminary Examination) stamp

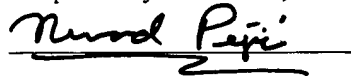
of receipt confirmation have been received for both of these Information Disclosure Submissions from the U.S. Patent and Trademark Office.

- On March 4, 2002, the United States Patent and Trademark Office issued a Notice To File Missing Parts Of Non-Provisional Application. Applicants' did not receive such notice.

On December 11, 2003, the United States Patent and Trademark Office issued a Notice of Abandonment, which was received by Applicants' attorney's office on December 13, 2003. The docket clerk at Applicants' attorney's office docketed the Notice of Abandonment on December 22, 2003 and forwarded the same to Applicants' attorney. The Notice To File Missing Parts Of Non-Provisional Application was never received by Applicants or Applicants' attorney. The correspondence address for this case would indicate that all correspondence from the Patent Office would be directed to Applicants' attorney at Calfee, Halter & Griswold LLP, 800 Superior Ave., Suite 1400, Cleveland, Ohio 44114 - as indicated by the Customer Number (24024) recorded for this case. Applicants' attorney has reviewed the entire file jacket, the firm's docket and the firm's docketing department and has not located the Notice To File Missing Parts Of Non-Provisional Application. Attached is a Declaration of Ms. Tammy Bunch, docket clerk for Calfee, Halter & Griswold LLP, and appropriate docket reports attesting to the standard docketing practice of Calfee, Halter & Griswold LLP.

As such, Applicants hereby petitions to revive the above-reference patent application as it is Applicants' belief that the abandonment was unavoidable. Applicants have provided this statement of facts and the attached declaration and docket reports as proof of the circumstances that lead to the unavoidable abandonment of this application. Applicant would be more than willing to produce any further information or documentation that the Patent Office deems necessary to support the enclosed petition. Furthermore, Applicant has submitted the required response to Notice To File Missing Parts Of Non-Provisional Application herewith.

Respectfully submitted,



Nenad Pejic
CALFEE, HALTER & GRISWOLD LLP
(216) 622-8835

Friday, May 03, 2002

Due Date List By Date

Page: 1

From 5/2/2002 To 5/6/2002

Due date/ Date Type	Reason for Date	Action Base Date/ Action Type	Case Number CHG Matter #	Client	Country	Attorney(s)	Application Number	Filing Date Subsidiary
02-May-2002 Ren/Due	Next Renewal	02-May-1988 Renewal	0682105149	06821	AU	JEL ETM HM	210,036	02-May-1967

Status: Registered

Trademark:

Remarks: CONF RECD FROM F.A. OF OUR INSTR TO RENEW PER LTR RECD 1/28/02

02-May-2002 Due Date	ANNUITIES DUE	02-May-2000	2218805715	22188	TW	LLL JER DBM	88108072	18-May-1999
-------------------------	---------------	-------------	------------	-------	----	-------------	----------	-------------

Status: Granted

Title:

Remarks: CPI

02-May-2002 Due Date	US ALLOWABILITY Follow Up Date	26-Oct-2001	2483704075	24837	US	JEL PK	09/778,314	07-Feb-2001
-------------------------	-----------------------------------	-------------	------------	-------	----	--------	------------	-------------

Status: Granted

Title:

02-May-2002 Due Date	1ST EXTENSION	02-Jan-2002	2579404058	25794	US	JEL JER	09/494,590	31-Jan-2000
-------------------------	---------------	-------------	------------	-------	----	---------	------------	-------------

Status: Pending

Title:

02-May-2002 Final	IMON CORRECTION	02-Apr-2002	2828004007	28280	WO	TEO RRI	02/02972	31-Jan-2002
----------------------	-----------------	-------------	------------	-------	----	---------	----------	-------------

Status: Pending

Title:

Friday, May 03, 2002

Due Date List By Date

Page: 2

From 5/2/2002 To 5/6/2002

Due date/ Date Type	Reason for Date	Action Base Date/ Action Type	Case Number CHG Matter #	Client	Country	Attorney(s)	Application Number	Filing Date Subsidiary
02-May-2002	RE: ACCEPTANCE	07-Apr-2002	2828004116	28280	ZA	(RRL) TAK JTK	2001/5302	15-Dec-1999

Due Date

STATUS CHECK 2828004128

Status: Pending

Title:

Remarks: PRIOR ART?

03-May-2002	2ND EXTENSION	03-Dec-2001	1942704080	CI	19427	US	JEL LWC	09/706,876	07-Nov-2000
-------------	---------------	-------------	------------	----	-------	----	---------	------------	-------------

Due Date

US PATENT O.A. 1942704098

Status: Pending

Title:

03-May-2002	CORR ASSIGNMENT	03-Apr-2002	2122004100	21220	US	LLL WEZ	10/056,199	24-Jan-2002
-------------	-----------------	-------------	------------	-------	----	---------	------------	-------------

Final

CORR

2122004100

ASSIGNMENT

Status: Pending

Title:

03-May-2002	Tax 3.5	03-Nov-1998	2142200140	21422	US	CBL STM	08/749,898	18-Nov-1996
-------------	---------	-------------	------------	-------	----	---------	------------	-------------

Due Date

Tax 3.5

2142200140

Status: Granted

Title:

Friday, May 03, 2002

Due Date List By Date

Page: 4

From 5/2/2002 To 5/6/2002

Due date/ Date Type	Reason for Date	Action Base Date/ Action Type	Case Number CHG Matter #	Client	Country	Attorney(s)	Application Number	Filing Date Subsidiary
------------------------	-----------------	----------------------------------	-----------------------------	--------	---------	-------------	-----------------------	---------------------------

04-May-2002 Due Date	EXT IDS	09-Feb-2002 EXT IDS	1169404159 1169404159	11694	US	LLL JER DBM	29/153,883	09-Nov-2001
-------------------------	---------	------------------------	--------------------------	-------	----	-------------	------------	-------------

Status: Pending

Title:

04-May-2002 Due Date	EXT IDS	09-Feb-2002 EXT IDS	1169404162 1169404162	11694	US	LLL JER DBM	29/153,884	09-Nov-2001
-------------------------	---------	------------------------	--------------------------	-------	----	-------------	------------	-------------

Status: Pending

Title:

04-May-2002 Ren/Due	Next Renewal	04-May-2002 Next Renewal	1889400538	18894	US	TAK BDJ DBM	73/288,785	08-Dec-1980
------------------------	--------------	-----------------------------	------------	-------	----	-------------	------------	-------------

Status: Registered

Trademark:

Remarks: CONF RECD FROM CLNT WANTS TO MAINTAIN REG PER FAX RECD 2/11/02

04-May-2002 Due Date	EXT 1ST O.A. STAT CHECK	04-Mar-2002 EXT 1ST O.A. STAT CHECK	2122004065 2122004065	21220	US	LLL WEL	09/946,057	04-Sep-2001
-------------------------	----------------------------	---	--------------------------	-------	----	---------	------------	-------------

Status: Pending

Title:

04-May-2002 Due Date	EXT 1ST O.A. STAT CHECK	04-Mar-2002 EXT 1ST O.A. STAT CHECK	2122004073 2122004073	21220	US	LLL WEL	09/946,058	04-Sep-2001
-------------------------	----------------------------	---	--------------------------	-------	----	---------	------------	-------------

Status: Pending

Title:

Ext 1 m

Friday, May 03, 2002

Due Date List By Date

Page: 5

From 5/2/2002 To 5/6/2002

Due date/ Date Type	Reason for Date	Action Base Date/ Action Type	Case Number CHG Matter #	Client	Country	Attorney(s)	Application Number	Filing Date Subsidiary
04-May-2002 Due Date	EXT 1ST O.A. STAT CHECK Status: Pending	04-Mar-2002 EXT 1ST O.A. STAT CHECK	2122004074 2122004074 Title:	21220	US	LLL WEZ	09/946,048	04-Sep-2001
04-May-2002 Due Date	EXT 1ST O.A. STAT CHECK Status: Pending	04-Apr-2002 EXT 1ST O.A. STAT CHECK	2148804040 2148804040 Title:	21488	US	CBL JAR TAB	09/971,131	04-Oct-2001
04-May-2002 Final	IMON CORRECTION Status: Pending	04-Apr-2002 PCT INFORMALITY	2218805603 2218806471 Title:	22188	WO	LLL JER DBM	02/00468	09-Jan-2002
04-May-2002 Due Date	FILE US APPLN Status: Pending	26-Feb-2002 FILE US	2218806303 2218806479 Title:	22188	WO	LLL JER DBM	02/03430	06-Feb-2002
04-May-2002 Due Date	FILE US APPLICATION Status: Pending	04-Mar-2002 FILE US APPLICATION	2218806303 2218806478 Title:	22188	WO	LLL JER DBM	02/03431	06-Feb-2002

Friday, May 03, 2002

Due Date List By Date

Page: 6

From 5/2/2002 To 5/6/2002

Due date/ Date Type	Reason for Date	Action Base Date/ Action Type	Case Number CHG Matter #	Client	Country	Attorney(s)	Application Number	Filing Date Subsidiary
04-May-2002 Due Date	1ST EXTENSION	04-Feb-2002	2483704211	24837	US	JEL PK	10/037,138	21-Dec-2001
		US-MISSING	2483704211					
	Status: Pending	PART	Title:					
	Remarks: FILING RECT RECD W/MSGNG PART							
04-May-2002 Due Date	2ND EXTENSION	04-Dec-2001	2579404027	D1 25794	US	JEL JER HM	09/157,715	21-Sep-1998
		US PATENT O.A.	2579404105					
	Status: Published		Title:					
04-May-2002 Final	3 MO DRAWINGS/FRMLTY	04-Feb-2002	2647304003	26473	US	JEL JER	09/439,038	12-Nov-1999
	Status: Pending	US ALLOWABILITY	2647304003					
			Title:					
04-May-2002 Due Date	Search Report Due (from WIPO)	04-Jan-2001	2747504005	27475	WO	JEL JER	02/00207	04-Jan-2002
	Status: Pending	Search Report Due (from WIPO)	2747505070					
			Title:					
04-May-2002 Final	ADD'L FEES DUE	19-Apr-2002	2747504005	27475	WO	JEL JER	02/00207	04-Jan-2002
		ADD'L FEES DUE	2747505070					
	Status: Pending		Title:					

Due Date List By Date

From 5/2/2002 **To** 5/6/2002

Due date/ Date Type	Reason for Date	Action Base Date/ Action Type	Case Number CHG Matter #	Client	Country	Attorney(s)	Application Number	Filing Date Subsidiary
05-May-2002	POA	03-Apr-2002	2747505043	27475	IT	JEL JER DBM		
Due Date		POA/PRIOR DOC	2747505129					
	Status: Unfiled		Title:					
05-May-2002	PRIOR DOC	03-Apr-2002	2747505043	27475	IT	JEL JER DBM		
Due Date		POA/PRIOR DOC	2747505129					
	Status: Unfiled		Title:					
05-May-2002	EXT 1ST O.A. STAT CHECK	05-Apr-2002	2770804003	27708	US	JEL PAD DHD	09/972,032	05-Oct-2001
Due Date		EXT 1ST O.A. STAT CHECK	2770804003					
	Status: Pending		Title:					
05-May-2002	EXT SRCH RPT DUE (FROM WIPO)	05-Feb-2002	2770804003	27708	WO	JEL PAD DHD	01/31271	05-Oct-2001
Due Date		SRCH RPT DUE (FROM WIPO)	2770804028					
	Status: Published		Title:					
05-May-2002	DEMAND	05-Oct-2000	2770804003	27708	WO	JEL PAD DHD	01/31271	05-Oct-2001
Final		FOREIGN FILING	2770804028					
	Status: Published		Title:					

Friday, May 03, 2002

Due Date List By Date

Page: 21

From 5/2/2002 To 5/6/2002

Due date/ Date Type	Reason for Date	Action Base Date/ Action Type	Case Number CHG Matter #	Client	Country	Attorney(s)	Application Number	Filing Date Subsidiary
06-May-2002	RE: DEMAND	03-Jan-2002	2828004009	28280	CN	TEO RRL		26-Apr-2000
Due Date		DOCS DUE	2828004053					
	Status: Pending		Title:					
06-May-2002	9 MO FFL/ELECT PUBLICATION	06-Aug-2001	2867904013	28679	US	LLL BEK DBM	09/923,026	06-Aug-2001
Due Date		Foreign Filing	2867904013					
	Status: Pending		Title:					
06-May-2002	EXT IDS	06-Aug-2001	2867904013	28679	US	LLL BEK DBM	09/923,026	06-Aug-2001
Due Date		IDS EXT	2867904013					
	Status: Pending		Title:					
06-May-2002	RE: RECT OF 1ST O.A.?	06-Aug-2001	2867904013	28679	US	LLL BEK DBM	09/923,026	06-Aug-2001
Due Date		EXT 1ST O.A. STAT CHECK	2867904013					
	Status: Pending		Title:					
06-May-2002	FINAL EXTENSION	06-Nov-2001	2867904018	28679	US	LLL BEK DBM	09/107,620	30-Jun-1998
Final		US FINAL O.A.	2867904018					
	Status: Pending		Title:					
	Remarks: ABANDONED PER BENDIX DKT OF 4/3/02							